

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

OPINION AND ORDER

This matter is before the Court on the Motion to Defer Payment, filed by Steve Bodnar on September 12, 2006. For the reasons set forth below, this motion is **DENIED**.

Steve Bodnar, a pro se prisoner, having previously unsuccessfully asked to waive the filing fee, now asks to defer payment of the filing fee until June 2007. The filing fee for this case has already been deferred as required by 28 U.S.C. section 1915. Bodnar, like all inmates, must pay the fee over time.

This [statutory] language places on the prisoner a responsibility to remit at this rate - no

greater, but no less either . . . the statute does not allow deferral past the time when application of the formula would have produced full payment.

Lucien v. DeTella, 141 F.3d 773, 776 (7th Cir. 1998).

A prisoner who filed one suit remits 20 percent of income to his prison trust account; a suit and an appeal then must commit 40 percent, and so on. Five suits or appeals mean that the prisoner's entire monthly income must be turned over to the court until the fees have been paid

Newlin v. Helman, 123 F.3d 429, 436 (7th Cir. 1997), overruled on other grounds, *Lee v. Clinton*, 209 F.3d 1025 (7th Cir. 2000) and *Walker v. O'Brien*, 216 F.3d 626 (7th Cir. 2000).

Bodnar brought these three lawsuits and he must now pay 60% of his income (20% each) toward the deferred filing fees. Therefore his request to further defer these fees is **DENIED**.

DATED: September 29, 2006

**/s/RUDY LOZANO, Judge
United States District Court**